

रजिस्टर्ड न० पी०/एस० एम० १४.



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, बुधवार, ११ मार्च, १९८७/ २० काल्पुष, १९८८

हिमाचल प्रदेश सरकार

HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT

NOTIFICATION

*Shimla-171004, the 10th March, 1987*

No. 1-8/87-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, the Himachal Pradesh Scheduled Castes and Scheduled Tribes Development Corporation (Amendment) Bill, 1987 (Bill No. 1 of 1987)

491-राजपत्र/87-11-3-87—1,202.

(393)

मूल्य: २० पैसे ।

having been introduced on the 10th March, 1987, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,  
*Secretary.*

Bill No. 1 of 1987.

**THE HIMACHAL PRADESH SCHEDULED CASTES AND  
SCHEDULED TRIBES DEVELOPMENT CORPORATION  
(AMENDMENT) BILL, 1987**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

**BILL**

*further to amend the Himachal Pradesh Scheduled Castes and Scheduled Tribes Development Corporation Act, 1979 (Act No. 20 of 1979).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) The Act may be called the Himachal Pradesh Scheduled Castes and Scheduled Tribes Development Corporation (Amendment) Act, 1987.

Short title  
and com-  
mencement.

(2) It shall and shall always be deemed to have come into force with effect from the 12th day of February, 1987.

20 of 1979

2. In section 2 of the Himachal Pradesh Scheduled Castes and Scheduled Tribes Development Corporation Act, 1979 (hereinafter called the principal Act),—

Amendment  
of section 2

(i) for the existing clause (d), the following clause (d) shall be substituted, namely:—

“(d) ‘Chairman’ and ‘Vice-Chairman’ mean the Chairman and the Vice-Chairman of the Corporation;” and

(ii) in clause (f) after the word “Chairman” but before the sign “;”, the words “and the Vice-Chairman” shall be inserted.

3. In section 7 of the principal Act,—

Amendment  
of section 7

(i) for sub-section (2), the following sub-section (2) shall be substituted, namely:—

“(2) The State Government shall nominate out of the directors, appointed under sub-section (1), the Chairman and the Vice-Chairman of the Corporation.”;

(ii) in sub-section (3), after the word “Chairman”, the sign and words “; the Vice-Chairman” shall be inserted;

(iii) for sub-section (4), the following sub-section (4) shall be substituted, namely:—

“(4) The Chairman and the Vice-Chairman shall perform such duties and exercise such powers as may be assigned to them or conferred upon them by the Board under sub-section (2) of section 15 of this Act.”; and

(iv) in sub-section (5), after the word “Chairman”, the sign and words “; the Vice-Chairman” shall be inserted.

Amendment  
of section 8.

4. In section 8 of the principal Act, after the word "Chairman", the sign and words ", the Vice-Chairman" shall be inserted.

Amendment  
of section  
11.

5. For the words "A director" occurring in the beginning of section 11 of the principal Act, the words and sign "The Chairman, the Vice-Chairman or a director" shall be substituted.

Amendment  
of section  
12.

6. In section 12 of the principal Act—

(i) after the words "in his absence" but before the words "any other director" occurring in sub-section (2), the words and sign "the Vice-Chairman, or in the absence of both" shall be inserted; and

(ii) after the words "or in his absence" but before the words "the person presiding" occurring in sub-section (3), the words and sign "the Vice-Chairman, or in the absence of both" shall be inserted.

Amendment  
of section  
15.

7. In sub-section (2) of section 15 of the principal Act, before the words "the managing director", the words and sign "the Vice-Chairman," shall be inserted.

Amendment  
of section  
38.

8. After the word "Chairman" occurring in clause (a) of sub-section (2) of section 38 of the principal Act, the sign and word ", the Vice-Chairman" shall be inserted.

Repeal and  
savings.

9. (1) The Himachal Pradesh Scheduled Castes and Scheduled Tribes Development Corporation (Amendment) Ordinance, 1987 is hereby repealed. 1 of 1987

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act had come into force on the day on which such thing was done or action was taken.

## STATEMENT OF OBJECTS AND REASONS

To co-ordinate the activities of the Himachal Pradesh Scheduled Castes and Scheduled Tribes Development Corporation with the general policies and programmes of the State Government, the Minister-in-charge (Welfare) has been appointed as the Chairman of the said Corporation. On account of his involvement in multifarious duties, to be discharged by him as a Minister, it is not convenient for him to devote full time for the Corporation work. Thus to facilitate the smooth functioning of the said Corporation and to overcome the practical difficulties in the implementation of the substantive provisions of the Himachal Pradesh Scheduled Castes and Scheduled Tribes Development Corporation Act, 1979, Himachal Pradesh Ordinance No. 1 of 1987, making provisions for the creation of the office of the Vice-Chairman in the Corporation, was promulgated on the 11th day of February, 1987 and was published in the Rajpatra Himachal Pradesh (Extraordinary) dated 12-2-1987. The said Ordinance is now required to be replaced by a regular enactment.

This Bill seeks to replace the aforesaid Ordinance without any modification.

PIRU RAM,  
Minister-in-charge.

SHIMLA:

The 10th March. 1987.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to empower the State Government to nominate one of the directors of the Himachal Pradesh Scheduled Castes and Scheduled Tribes Development Corporation to be its Vice-Chairman. The Vice-Chairman so appointed shall receive such remuneration as may be prescribed by rules under the principal Act. It is likely to involve an additional expenditure approximately to the tune of Rs. 65,000/- recurring per annum and Rs. 10,000/- non-recurring to be debited to the funds of the said Corporation. The State Government may have to incur additional expenditure out of the Consolidated Fund of the State for making grant-in-aid to the Corporation for its managerial assistance. But it cannot be exactly worked out that on this account how much amount has to be spent out of the State exchequer.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill proposes to provide for laying down the conditions of appointment of the Vice-Chairman of the Corporation. This delegation is essential and normal in character.

## RECOMMENDATIONS [OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA]

[WELFARE DEPARTMENT FILE NO. KAIYAN-K(4)-13/79]

The Governor of Himachal Pradesh, having been informed of the subject-matter of the Himachal Pradesh Scheduled Castes and Scheduled Tribes Development Corporation (Amendment) Bill, 1987, recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.

